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8 UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
9

10 In Re: CHAPTER 13  
CASE NO. 13-54056 ASW  
11 DAVID S. LEE  
12 MOTION TO DISMISS  
CHAPTER 13 CASE

13 Date: December 2, 2013  
Debtor(s) Time: 2:15 PM  
14 \_\_\_\_\_/ Room: 3020  
15

16 Unsecured creditor, JLJR LLC, (hereinafter cited as "Creditor")  
17 seeks an order dismissing this case for cause pursuant to 11 U.S.C.  
18 section 109(e).

19 **Debtor does not qualify as a Chapter 13 Debtor Because he Owes**  
20 **Significantly more than the Amount Identified for Unsecured Debt**  
21 **in 11 U.S.C. 109(e)**

22 11 U.S.C. Section 109(e) limits petitioners who can file a  
23 Chapter 13 to those individuals with regular income that owe on the  
24 date of the filing of the petition unsecured debt of less than  
25 \$383,175.00.

26 Debtor David Lee does not qualify. The total amount of  
27 unsecured debts owed by debtor on the day he filed the petition is  
28 well over the statutory maximum. In fact, just the debt owed to

1 || this filing Creditor is greater than the maximum limit.

2 In Debtor's Schedule F, he refuses to list any debt owed to  
3 this Creditor, and treats other creditors similarly. He admits,  
4 however, in his Schedule of Financial Affairs, question 4, that he  
5 is a defendant in the lawsuit brought against him and his co-  
6 debtors by Creditor and similarly situated creditors in Santa Clara  
7 County Superior Court. This Creditor has also filed a proof of  
8 claim for the sum owing. For further details regarding Creditor's  
9 claim, please refer to the declaration of David Lee filed herewith.

Debtor should not be allowed to abuse the bankruptcy system by deliberately playing coy with known amounts owing and at issue and claimed by simply stating "Notice Only" in his schedules.

13           This Court should dismiss the above identified bankruptcy as it  
14 simply does not meet the requirements to file a Chapter 13  
15 petition.

16 Conclusion

17 Debtor simply does not qualify under the statutory requirements  
18 to file a chapter 13 petition. This case should therefore be  
19 dismissed.

20 Respectfully submitted.

22 Dated: November 13, 2013

/s/ David James Trapp, #121274  
Attorney for Creditor